

OCT 10 2003

Attorney Docket No. 03397/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): K. KAWADA

Serial No. : 10/617,243

Filed : July 9, 2003

For : COLOR IMAGE FORMING METHOD
AND APPARATUS, AND MICRO-
CAPSULE TONER FOR USE
THEREWITH

Art Unit : 1756

Examiner :

**PETITION TO WITHDRAW NOTICE OF
OMITTED ITEMS AND TO ACCEPT PAGE 81
OF SPECIFICATION AS OF ORIGINAL FILING DATE**

Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450

S I R :

This is responsive to the NOTICE OF OMITTED ITEMS mailed October 6, 2003, a copy of which is attached.

It is respectfully submitted that page 81 of the specification was included with the papers deposited in the Patent Office on July 9, 2003. In support, attached is a photocopy of the return receipt postcard evidencing receipt by the Patent Office of the original application papers, with the "spec, claims, Abstract (pages 1-93)".

For Patent Office convenience, attached hereto is a duplicate photocopy of page 81 of the specification, which the Patent Office apparently lost or misplaced.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to:
Commissioner for Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450 on the date noted below.


Barbara Villani

Dated: October 8, 2003

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 06-1378.

In view of the foregoing, it is respectfully requested that the Patent Office withdraw the NOTICE OF OMITTED ITEMS mailed October 6, 2003, and proceed with prosecution of the present application, including attached page 81.

PETITION FEE

Since the Patent Office apparently lost or misplaced originally submitted page 81 of the specification, it is respectfully submitted that no Petition fee should be required in this matter.

If it is determined that a Petition Fee is required, please charge the Petition fee of \$130. to Account No. 06-1378.

If there are any comments, questions, objections or recommendations regarding this matter, please telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

Leonard Holtz
Reg. No. 22,974

October 8, 2003

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Atty. Docket # 03397/LH

THE PATENT OFFICE ACKNOWLEDGES RECEIPT OF:

New appln: Transm. ltr (dupl.); spec, claims,
Abstract (pages 1-93); Declaration;
Assignment w/record. cover sheet;
33 sheets formal drawings (Figs. 1-49);
Infor. Discl. Statement; PTO/SB/08A form;
4 references; cert. priority document;
Change of Correspondence Address (with bar code)
\$1,200. ck. #91829 & \$40. ck #91830.

K. KAWADA et al

LH:bv

Priority: July 10, 2003

Mailed: July 9, 2003

EXPRESS MAIL # EV 335 578 818 US

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